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<b>underneath</b>	47:8 48:14	22:4, 15	28:17
35:16	49:1 50:3,	23:8, 12, 23	32:20 33:1
36:19	8, 20 51:8,	24:12	39:19, 23
	17 53:6	30:11, 16,	
<b>understand</b>	<b>USA's</b> 12:9	19 37:10	40:5 41:3,
7:24 8:3	13:7 16:14	43:20	8, 12 44:4,
30:4 31:15	18:2 23:7	48:21 54:5	7, 15, 22, 25
32:2 34:5,			45:9 52:17
25 35:4		<b>violator</b>	54:18, 20

**IN RE: CHAMBERED CUSTOM FIREARMS, LLC  
ATF FFL Revocation Hearing on 10/19/2023 Index: warning..yesterday**

55:17, 25  
56:6

**warning**  
19:15, 22

**ways** 18:17

**week** 42:23

**West** 12:21

**willful**  
9:16, 25  
10:5 55:7,  
11

**willfully**  
53:4, 7  
54:15 55:5  
57:15, 25

**work** 52:8

**working**  
30:12  
41:24  
51:17

**writing** 5:5

**written**  
56:15

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Y

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**year** 18:18

**years** 15:23

**yesterday**  
6:8

**U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives**

**Final Notice of Denial of Application, Revocation  
Suspension and/or Fine of Firearms License**

In the matter of:

The application for license as a/an Manufacturer of Firearms other than Destructive Devices, filed by:

or

License Number \_\_\_\_\_ as a/an \_\_\_\_\_, issued to:

Name and Address of Applicant or Licensee (*Show number, street, city, state and Zip Code*)

John Emile Lamontagne  
Chambered Custom Firearms LLC  
dba Chambered Custom Firearms / Chambered CF  
520 N Bullard, Suite 37  
Goodyear, AZ 85335

Notice is Hereby Given That:

- A request for hearing pursuant to 18 U.S.C. § 923(f)(2) and/or 922(t)(5) was not timely filed. Based on the findings set forth in the attached document, your  
 license described above is revoked pursuant to 18 U.S.C., 923(e), 922(t)(5) or 924(p), effective:  
 15 calendar days after receipt of this notice, or  \_\_\_\_\_,  
 license is suspended for \_\_\_\_\_ calendar days, effective \_\_\_\_\_, pursuant to 18 U.S.C. § 922(t)(5) or 924(p).  
 licensee is fined \$ \_\_\_\_\_, payment due: \_\_\_\_\_, pursuant to 18 U.S.C. § 922(t)(5) or 924(p).
- After due consideration following a hearing held pursuant to 18 U.S.C. § 923(f)(2) and/or 922(t)(5), and on the basis of findings set out in the attached copy of the findings and conclusions, the Director or his/her designee concludes that your  
 application for license described above is denied, pursuant to 18 U.S.C., 923(d).  
 application for renewal of license described above is denied pursuant to 18 U.S.C. 923(d), effective:  
 15 calendar days after receipt of this notice, or  \_\_\_\_\_,  
 license described above is revoked pursuant to 18 U.S.C., 923(e), 922(t)(5) or 924(p), effective:  
 15 calendar days after receipt of this notice, or  \_\_\_\_\_,  
 license is suspended for \_\_\_\_\_ calendar days, effective \_\_\_\_\_, pursuant to 18 U.S.C. § 922(t)(5) or 924(p).  
 licensee is fined \$ \_\_\_\_\_, payment due: \_\_\_\_\_, pursuant to 18 U.S.C. § 922(t)(5) or 924(p).

If, after the hearing and receipt of these findings, you are dissatisfied with this action you may, within 60 days after receipt of this notice, file a petition pursuant 18 U.S.C. § 923(f)(3), for judicial review with the U.S. District Court for the district in which you reside or have your principal place of business. If you intend to continue operations after the effective date of this action while you pursue filing for judicial review or otherwise, you must request a stay of the action from the Director of Industry Operations (DIO), Bureau of Alcohol, Tobacco, Firearms and Explosives, at 40 North Central Avenue, Suite 1000, Phoenix, AZ 85004,

prior to the effective date of the action set forth above. You may not continue licensed operations unless and until a stay is granted by the DIO.

Records prescribed under 27 CFR Part 478 for the license described above shall either be delivered to ATF within 30 days of the date the business is required to be discontinued or shall be documented to reflect delivery to a successor. See 18 U.S.C. 923(g)(4) and 27 CFR § 478.127.

After the effective date of a license denial of renewal, revocation, or suspension, you may not lawfully engage in the business of dealing in firearms. Any disposition of your firearms business inventory must comply with all applicable laws and regulations. Your local ATF office is able to assist you in understanding and implementing the options available to lawfully dispose of your firearms business inventory.

Date 01/05/2024	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official Kristina Babcock - Director, Industry Operations	Signature KRISTINA BABCOCK <small>Digital signature by KRISTINA BABCOCK Date 2024 01 05 09 45 25 -0700</small>
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I certify that, on the date below, I served the above notice on the person identified below by:

Certified mail to the address shown below.  
Tracking Number: 70202450000064968795      Or       Delivering a copy of the notice to  
the address shown below.

Date Notice Served 01/08/2024	Title of Person Serving Notice Executive Assistance	Signature of Person Serving Notice ROBIN ZIER <small>Digital signature by ROBIN ZIER Date 2024 01 08 08 31 08 -0700</small>
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Print Name and Title of Person Served John Emile Lamontagne, Responsible Person	Signature of Person Served
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Address Where Notice Served  
520 N Bullard, Suite 37, Goodyear, AZ 85335

Note: Previous Edition is Obsolete

Chambered Custom Firearms LLC  
9-86-013-07-PA-17244

ATF Form 5300.13  
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In accordance with 18 U.S.C. §§ 923(d) and (f), and 27 C.F.R. §§ 478.71 and 478.72, and upon review and consideration of the entirety of the administrative record which is comprised of the statements and exhibits provided by the parties at the hearing of this matter and fully incorporated therein, I hereby make the following findings and conclusions.

### **Introduction**

Chambered Custom Firearms LLC d/b/a Chambered CF (“Applicant”) submitted an Application for Federal Firearms License, ATF E Form 7 (5310.12) dated June 16, 2023, pursuant to the Gun Control Act of 1968, as amended, 18 U.S.C. Chapter 44, and the regulations issued thereunder, 27 C.F.R. Part 478 (collectively “GCA”) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”). The Application listed John Emile Lamontagne as Applicant’s sole responsible person.

The GCA mandates that ATF issue a Federal Firearms License to a qualified applicant. 18 U.S.C. §§ 923(c) and (d); 27 C.F.R. § 478.47.

On August 10, 2023, ATF issued a Notice to Deny Application for License, ATF Form 5300.43 (4498) to Applicant. On August 23, 2023, Applicant timely submitted a request for a hearing to review that Notice.

The hearing occurred on October 19, 2023. I, Kristina Babcock, ATF Director, Industry Operations, Phoenix Field Division, conducted the hearing from the ATF’s Phoenix Field Division office. ATF Deputy Associate Chief Counsel Paul Ware appeared on my behalf as Attorney for the Government. Applicant’s sole listed Responsible Person, John Emile Lamontagne, and attorney Scott Allan, Renzulli Law Firm LLP, appeared at the hearing via video teleconference. Court reporter Jeffrey Bartelt attended and transcribed the hearing. Both ATF and Applicant had the opportunity to present evidence and statements at the hearing. The statements and exhibits introduced at the hearing constitute the record in this proceeding.

### **Findings**

Having reviewed the record in this proceeding, I make the following findings:

1. On April 11, 2022, ATF initiated a compliance inspection of Chambered Group USA LLC (“CGU”), a Manufacturer of Firearms Other than Destructive Devices holding Federal firearms license 9-86-07852. Based upon the violations revealed during that inspection, ATF issued a Notice to Revoke or Suspend License and/or Impose a Civil Fine, ATF Form 4500 (5300.4). A hearing on that matter occurred on April 13, 2023. On July 11, 2023, ATF issued a Final Notice of Denial of Application, Revocation, Suspension and/or Fine of Firearms License, ATF Form 5300.13, in which it found that CGU willfully violated the provisions of the GCA. At all times relevant to the violations determined to be willfully committed, John Emile Lamontagne served as a Responsible Person for CGU.

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2. On September 1, 2023, CGU filed a Petition for De Novo Review of the Revocation of Federal Firearms License Pursuant to 18 U.S.C. § 923(f)(3), as well as a Motion for Temporary Restraining Order and Preliminary Injunction in the United States District Court for the District of Arizona. *Chambered Group USA LLC v. Kristina Babcock*; CV-23-01850-PHX-SPL (D. Ariz.). On September 5, 2023, the Court denied CGU's motion for a temporary restraining order. On September 28, 2023, the Court denied GCU's motion for a preliminary injunction. In denying that motion, the Court found that CGU willfully violated the GCA. On November 3, 2023, CGU voluntarily dismissed its Petition.
3. In the present case, the Application for Federal Firearms License listed John Emile Lamontagne as Applicant's sole Responsible Person.
4. For purposes of the GCA, a "Responsible Person" is, in the case of a corporation, partnership or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management, policies, and practices of the corporation, partnership or association, insofar as they pertain to firearms. *MEW Sporting Goods v. Johansen*, 992 F. Supp. 2d 665, 667; (N.D. W.Va. 2014). *aff'd*, 594 F. App'x 143 (4th Cir. 2015). See also 18 U.S.C. 923(d)(1)(B); and Application for Federal Firearms License, ATF E Form 7 (5310.12), Definition 3.
5. ATF may deny an application for a Federal firearms license if the applicant has willfully violated the GCA. 18 U.S.C. § 923(d)(1)(C); 27 C.F.R. § 478.47(b)(3). For purposes of the regulatory provisions of the GCA, a "willful" violation is committed when the licensee knows of its legal obligations and purposefully disregarded or was plainly indifferent to those requirements. *General Store, Inc. v. Van Loan*, 560 F.3d 920, 923 (9th Cir. 2009). See also *Bryan v. United States*, 524 U.S. 184, 197-98 (1998).
6. As noted above, John Emile Lamontagne was a Responsible Person for GCU at the time it willfully violated the GCA. As such, Mr. Lamontagne is responsible for the willful violations committed by CGU. Under the GCA, a Responsible Person remains accountable for willful violations committed by his or her federally licensed firearms business and such history of willful noncompliance with the GCA may disqualify such person from receiving a new license, even when the license is sought under the pretext of a newly formed business. *2nd Amend. Guns, LLC v. Bureau of Alcohol, Tobacco, Firearms, & Explosives*, No. 1:13-CV-01947-CL, 2014 WL 7051753, at \*6 (D. Or. Dec. 12, 2014); *Barany v. Van Haelst*, No. CV-09-253-RMP, 2010 WL 5071053, at \*5-8 (E.D. Wash. Dec. 6, 2010), *aff'd*, 459 F. App'x 587 (9th Cir. 2011); See also *Casanova Guns, Inc. v. Connally*, 454 F.2d 1320, 1321 (7th Cir. 1972). Therefore, Applicant is not eligible for licensing under the GCA.

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### **Conclusions**

I conclude that:

1. CGU is a willful violator of the GCA.
2. The willful violations of the GCA committed by GCU are imputed to its Responsible Persons.
3. John Emile Lamontagne was a Responsible Person for CGU when it willfully committed the violations relied upon in the revocation of its license.
4. John Emile Lamontagne is Applicant's sole Responsible Person;
5. Applicant is not qualified to receive a license under 18 U.S.C. § 923(d)(1)(C).

As such, the application of Chambered Custom Firearms LLC for a Federal Firearms License is hereby DENIED.

Dated this 5<sup>th</sup> day of January 2024.

KRISTINA  
BABCOCK

Digitally signed by  
KRISTINA BABCOCK  
Date: 2024.01.05 09:32:13  
-07'00'

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Kristina Babcock  
Director, Industry Operations  
Phoenix Field Division  
Bureau of Alcohol, Tobacco, Firearms and Explosives  
United States Department of Justice



# CHAMBERED CUSTOM FIREARMS-000395